S.B.Civil Writ Petition No.3667/1996

Kanti Lal Soni vs. State of Rajasthan and ors.

Date : 16.8.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.RS Saluja, for the petitioner.

Mr.SN Tiwari, Dy.GA, for the respondents.

- - - - -

Heard learned counsel for the parties.

Though the petitioner by this writ petition challenged the vires of Rule 9 of the Rajasthan Prisoners (Release on Parole) Rules, 1958 but according to the petitioner since he has already undergone sentence of more than 14 years irrespective of the fact whether the period of remission is given credit in the undergone sentence or not, therefore, challenge to Rule 9 in the changed circumstances will be only academic. It is submitted that in case, the application of the petitioner for grant of permanent parole is considered by the competent authority in accordance with law by taking into account the period of sentence which he has undergone after conviction, then the petitioner will get the relief.

Since the petitioner is only seeking permanent

parole strictly in accordance with law, therefore, at the request of the petitioner, this writ petition is disposed of with a direction to the competent authority of the respondent no.1 to consider the case of the petitioner for grant of permanent parole to him but strictly in accordance with law and the Rules made thereunder.

The case of the petitioner be considered within a period of one month from the date of receipt of the certified copy of this order. Copy of the order be supplied by the petitioner.

(PRAKASH TATIA), J.

S.Phophaliya